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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,426	01/18/2006	David Richard Hallam	CAF-206-A	7386

48980 7590 02/03/2010

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EXAMINER	
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ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
02/03/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/565,426	HALLAM, DAVID RICHARD	
	Examiner	Art Unit	
	BRYAN D. RIPA	1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 November 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☒ Claim(s) *6* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

In response to the amendment received on November 11, 2009:

- claims 1-17 are currently pending
- the claim objections to claims 8 and 13 are withdrawn in light of the amendments to the claims
- the claim rejections of claims 7, 10 and 11 under 35 U.S.C. 112 for lack of antecedent basis are withdrawn in light of the amendments to the claims
- the claim rejections of claims 1-17 under 35 U.S.C. 112 for indefiniteness is maintained
- all prior art rejections are withdrawn in light of the amendments to the claims
- new grounds of rejection are presented below

Claim Objections

1. Claim 6 is objected to because of the following informality. Specifically, claim 6 contains a limitation specifying a flow rate of air in "m3 per hour" instead of "m^3 per hour" (see the last line of claim 6).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claims 1 and 17 both recite a negative limitation requiring there to be no use of an "ozone decomposition catalyzer" (see the last line of claim 1 and the first and second lines of claim 17). In interpreting claim language, the examiner is required to use the "broadest reasonable interpretation" standard as outlined in the MPEP. See MPEP §2111. In light of that standard, as presently written the phrase would appear to preclude the use of any substance within the apparatus which would act to catalyze, i.e. help to initiate or accelerate, the decomposition reaction of ozone to diatomic oxygen without itself reacting.

However, although the claim limitation requires there to be no use of an ozone decomposition catalyst, the specification discusses the use of titanium dioxide in the dielectric layer (see ¶22) **and** the use of other materials (see ¶22 and ¶33 disclosing the use of glass for the dielectric and aluminum for the casing) that are known to catalyze the decomposition of ozone (see Masuda et al., "The Performance of an Integrated Air Purifier for Control of Aerosol, Microbial, and Odor" IEEE Transactions on Industry Applications 29 (4), pages 774-780 (1993) teaching the use of titanium dioxide in a silica based ceramic material to catalyze the decomposition of ozone; see also

Potember et al., WO 2003/028773 A1 page 17, listing the use of aluminum, metals, metal oxides as suitable materials to catalyze the decomposition of ozone and even glass and silica as having some catalytic effect on the decomposition of ozone).

Furthermore, although the Applicant has stated that the titanium dioxide fused glass would be unable to function so as to catalytically decompose ozone, the applicant has failed to address the other materials mentioned above. Additionally, Applicant's specification describes the use of FILTRETE filters manufactured by 3M, some of which appear to contain titanium dioxide (see page 1 of FILTRETE FILTER MSDS listing one of the ingredients of the filter being titanium dioxide), as a post-filter. It would seem that the use of such a filter would be precluded by the claim since the filter could act to catalyze the decomposition of ozone leaving the device.

Consequently, the claim language requiring the negative limitation is unclear in light of the fact that the disclosed apparatus appears to require the use of several materials that can potentially act to catalyze the decomposition of ozone.

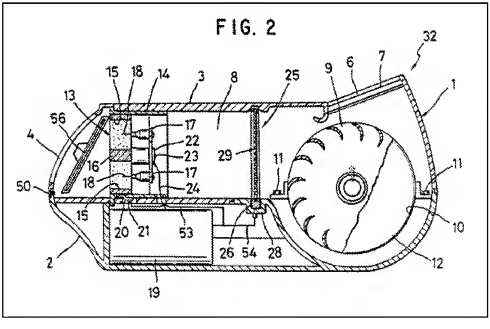
Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 2, 7–10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over YIKAI in view of Bennett et al., (U.S. Pat. No. 4,049,400) (hereinafter referred to as "BENNETT").

Regarding claim 1, YIKAI teaches an apparatus for the treatment of air comprising a low power corona discharge ozone generator (see col. 1 lines 6-11 discussing the device being an air cleaner employing the use of a corona discharge which generates ozone which would aid in the purification and cleansing of the air moving through the device) mounted inside a chamber having an air inlet and an air outlet (see air inlet 4 and air outlet 6) and at least one air flow impeller formed and arranged for inducing a flow of air through said chamber (see fan 9; col. 3 lines 66-67 teaching the fans purpose to drive air through the device), said ozone generator being formed and arranged for generating a restricted concentration of ozone and any other reactive species formed together therewith, within an inactivating zone contained within said chamber, through which said air flow is passed in use of said apparatus (see col. 3 lines 1-9 discussing the use of a high voltage corona discharge, which would generate ozone, within the space occupied by electric precipitating device 13 up to carbon filter 29, i.e. an inactivating zone, through which the air flow is passed), which restricted

concentration is sufficient effectively to inactivate airborne pollutant material entrained in said air flow (see col. 3 lines 1-9; col. 3 lines 27-30 teaching the generation of ozone by the high voltage corona discharge), yet which restricted concentration decays sufficiently outside said inactivating zone so that the concentration of ozone in the cleaned air expelled from said apparatus is at a physiologically acceptable level without the use of an ozone decomposition catalyzer (see carbon filter 29; col. 4 lines 15-24 teaching the use of a carbon filter outside the inactivating zone to reduce the ozone concentration by chemical reaction so as to emit air from the device free of ozone). See figure 2 below.



Please note, because the device produces some ozone, the concentration no matter how small could be said to be sufficient so as to effectively inactivate airborne pollutant material in the air flow since in the presence of ozone some airborne pollutant material would necessarily be inactivated.

YIKAI, however, does not teach the chamber in which the low power corona discharge ozone generator is mounted being an earthed casing comprising a metal. Instead, YIKAI teaches the chamber being made of a synthetic resin (see col. 2 lines 24-28).

However, as shown by BENNETT, it was also known in the art to use metal as the material for the casing or housing of air purifying devices (see col. 4 lines 16-18 teaching the housing base, cover and housing top being made of aluminum). Moreover, the use of known materials based on its suitability for an intended purpose is prima facie obvious. See MPEP §2144.07

Consequently, it would have been obvious to one of ordinary skill in the art at the time of invention to form the casing of the air purifying device of YIKAI of metal as taught by BENNETT.

Moreover, it was known in the art to ground or earth the metallic casing of an electronic device to provide for greater user safety (see col. 4 lines 21-23 teaching the grounding of the metal pieces forming the housing or casing of the air purifying device for safety reasons, i.e. to reduce the chance of a user getting shocked).

As a result, it would have been obvious to one of ordinary skill in the art at the time of invention to not only use metal as the casing material of YIKAI as taught by BENNETT, but also to ground or earth the casing when a metal is used in order to ensure greater safety in using the electrically powered device.

Regarding claim 2, YIKAI teaches the apparatus for the treatment of air wherein said low power corona discharge ozone generator comprises a low power corona discharge device provided with a low power high voltage output transformer (see voltage impressing apparatus 19; col. 3 lines 5-8). See figure 2 above.

Regarding claim 7, YIKAI teaches the apparatus for the treatment of air wherein the inlet is fitted with at least one filter (see filter 56; col. 3 lines 55-58). See figure 2 above.

Regarding claim 8, YIKAI teaches the apparatus for the treatment of air wherein is provided at least one filter for removing tobacco smoke (see col. 4 lines 7-14 teaching the collection of tobacco smoke on collecting electrode 16, i.e. electric precipitating apparatus 13 acting as a filter). See figure 2 above.

Regarding claim 9, YIKAI teaches the apparatus for the treatment of air wherein the outlet is fitted with at least one filter (see fins 7; col. 2 lines 46-48 stating air outlet 6 having a number of fins which would act as a filter). See figure 2 above.

Regarding claim 10, YIKAI teaches the apparatus for the treatment of air wherein is provided an electrostatic filter (see col. 2 lines 58-60 teaching there being an electrostatic precipitator in the device, i.e. an electrostatic filter).

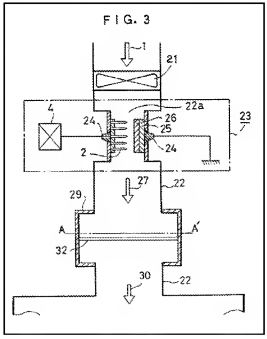
Regarding claim 17, YIKAI teaches a method of cleaning air without the use of an ozone decomposition catalyzer (see discussion above with respect to claim 1 discussing the use of a carbon filter to chemically react with the ozone), comprising the steps of: providing an apparatus of claim 1 (see the discussion above with respect to claim 1), powering the ozone generator of said apparatus so as to generate ozone in the inactivation zone of said apparatus (see col. 3 lines 59-63; col. 3 lines 5-8 and col. 3 lines 27-30), and operating said airflow impeller so as to pass a flow of said air through said inactivation zone (see col. 3 lines 64-68). See figure 2 above.

4. Claims 1, 2, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over IKEDA in view of BENNETT.

Regarding claim 1, IKEDA teaches an apparatus for the treatment of air comprising a low power corona discharge ozone generator (see ionization chamber 23; col. 10 line 66-col. 11 line 9 describing the apparatus used for creating the corona discharge; col. 11 lines 15-17 teaching the formation of ozone) mounted inside a chamber the chamber being defined by a metal casing (see air duct 22 having the ozone generator mounted inside; see also col. 13 lines 42-43 teaching the duct being made of a metal) and having an air inlet and an air outlet (see air inlet and outlet at the top and bottom of figure 3) and at least one air flow impeller formed and arranged for inducing a flow of air through said chamber (see fan 21; col. 10 lines 32-34), said ozone generator being formed and arranged for generating a restricted concentration of ozone

and any other reactive species formed together therewith, within an inactivating zone contained within said chamber, through which said air flow is passed in use of said apparatus (see col. 11 lines 10-17 discussing the use of a high voltage corona discharge to generate ozone, within the space occupied by ionization chamber 23 up to heating resistor 32, i.e. an inactivating zone, through which the air flow is passed), which restricted concentration is sufficient effectively to inactivate airborne pollutant material entrained in said air flow (see col. 11 lines 10-17 discussing the use of a high voltage corona discharge to generate ozone), yet which restricted concentration decays sufficiently outside said inactivating zone so that the concentration of ozone in the cleaned air expelled from said apparatus is at a physiologically acceptable level without the use of an ozone decomposition catalyzer (see col. 13 lines 54-59 discussing embodiment 3, as shown in figure 3, using heat to decompose the residual ozone and not an ozone decomposition catalyst). See figure 3 below.

FIG. 3



IKEDA, however, does not explicitly teach the chamber in which the low power corona discharge ozone generator is mounted being earthed or grounded.

BENNETT teaches that it was known in the art to ground or earth the metallic casing of an electronic device to provide for greater user safety (see col. 4 lines 21-23 teaching the grounding of the metal pieces forming the housing or casing of the air purifying device for safety reasons, i.e. to reduce the chance of a user getting shocked).

As a result, it would have been obvious to one of ordinary skill in the art at the time of invention to ground or earth the casing of IKEDA as taught by BENNETT in order to ensure greater safety during use of the electrically powered device.

Regarding claim 2, IKEDA teaches the apparatus for the treatment of air wherein said low power corona discharge ozone generator comprises a low power corona discharge device provided with a low power high voltage output transformer (see high voltage generator 4; col. 1 lines 19-22 and col. 11 lines 5-6 discussing the application of a several kV potential by the voltage generator). See figure 3 above.

Regarding claim 16, IKEDA teaches the apparatus for the treatment of air wherein the low power corona discharge device has a solid dielectric (see dielectric 26; col. 10 lines 39-42). See figure 3 above.

Regarding claim 17, IKEDA teaches a method of cleaning air without the use of an ozone decomposition catalyzer (see discussion above with respect to the rejection of

claim 1 under IKEDA discussing the use of a pyrolytic means to decompose the ozone), comprising the steps of: providing an apparatus of claim 1 (see the discussion above with respect to the rejection of claim 1 under IKEDA), powering the ozone generator of said apparatus so as to generate ozone in the inactivation zone of said apparatus (see high voltage generator 4), and operating said airflow impeller so as to pass a flow of said air through said inactivation zone (see col. 10 line 63-col. 11 line 17). See figure 3 above.

5. Claims 3, 5, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over IKEDA in view of BENNETT as applied to claims 1 and 2 above, and further in view of HALLAM.

Regarding claim 3, IKEDA does not teach the low power corona discharge device comprising concentric tubular metal gauze electrodes separated by a tubular strengthened glass dielectric.

However, HALLAM does teach the use of a low power corona discharge device for the generation of ozone comprising concentric tubular metal gauze electrodes separated by a tubular strengthened glass dielectric (see page 3 discussing corona unit 19 comprising a quartz glass sandwiched between two stainless steel mesh electrodes which would provide for some amount of strengthening to the glass dielectric).

Consequently, as shown by HALLAM, a person of ordinary skill in the art would accordingly have recognized the use of a tubular corona discharge device to facilitate creating an electric field for the generation of ozone and ions.

The simple substitution of one known element for another is likely to be obvious when predictable results are achieved. See *KSR Int'l Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1395–97 (2007) (see MPEP § 2143, B.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the ionization chamber of IKEDA with the discharge unit of HALLAM to obtain the predictable result of having a low power corona discharge device having concentric tubular metal gauze electrodes separated by a tubular strengthened glass dielectric.

Regarding claim 5, HALLAM teaches the low power corona discharge ozone generator having a power rating of approximately 36 watts (see page 3 teaching the operating current being 9 mA at 4 kV).

Regarding claim 13, HALLAM teaches the low power corona discharge ozone generator wherein an AC supply is used with an operating voltage in the range from 1 to 6 kV (see page 3 teaching the potential between the electrodes being 4 kV).

Regarding claim 14, HALLAM teaches the low power corona discharge ozone generator wherein an AC supply providing a starting current in the range from 1 to 10 mA (see page 3 teaching the operating current being 9 mA).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over IKEDA in view of BENNETT as applied to claims 1 and 2 above, as well as, IKEDA in view of BENNETT and HALLAM as applied to claim 3 above, and further in view of NIPPON with evidence from FOVELL.

Regarding claim 4, IKEDA as modified by BENNETT and HALLAM does not teach the glass dielectric being of titanium oxide strengthened borosilicate glass. Rather, HALLAM teaches the dielectric being quartz glass (see page 3) and IKEDA, while mentioning the dielectric being glass, ceramic, or quartz does not explicitly teach the use of titanium dioxide strengthened borosilicate glass.

However, NIPPON teaches the use of a glass dielectric having titanium dioxide added in an ozone generator (see abstract).

Furthermore, FOVELL evidences the fact that the use of borosilicate glass in a concentric tubular corona discharge device for the creation of ozone was known in the art (see col. 2 lines 58-60). As a result, one of ordinary skill in the art would have understood the term glass to include all types of glass, i.e. including borosilicate glass.

Consequently, as shown by NIPPON and as evidenced by FOVELL, a person of ordinary skill in the art would accordingly have recognized the use of a titanium dioxide strengthened borosilicate glass as the dielectric for use in a corona discharge device.

The simple substitution of one known element for another is likely to be obvious when predictable results are achieved. See *KSR Int'l Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1395–97 (2007) (see MPEP § 2143, B.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide for the use of a borosilicate glass dielectric with titanium dioxide as claimed.

7. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over YIKAI and IKEDA each in view of BENNETT as applied to the rejections of claim 1 above.

Regarding claims 6 and 15, YIKAI and IKEDA are silent with respect to the residence time and flow rate of the air to be treated.

However, one of ordinary skill in the art would have recognized the flow rate of air through the apparatus and the residence time of the air to be treated in the chamber to be a result effective variable, since the flow rate and residence time of the air to be treated would need to be adjusted so as to allow for sufficient time for the air to be cleaned as disclosed. See MPEP §2144.05 IIB.

As a result, one of ordinary skill in the art would have been motivated to provide for a flow rate of air through the apparatus in the range of 50 to 2500 m^3/hr as well as others and a residence time of 0.2 to 20 seconds in the chamber of the apparatus in order to find optimum working conditions that maximize the flow rate of air, thereby decreasing the residence time, while still allowing sufficient time for air purification.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over YIKAI in view of BENNETT as applied to claims 1 and 7 above, and further in view of TEPPER.

Regarding claim 11, while YIKAI does teach the inlet and the outlet being disposed in proximity to each other, YIKAI does not teach there being a single filter mounting.

However, TEPPER teaches an air filtration system where the inlet and the outlet are in proximity to each other and where the apparatus is also provided with a single filter mounting (see housing 102; col. 4 lines 37-58 teaching various configurations of the air inlet and outlet to suit the particular application).

Consequently, as shown by TEPPER, a person of ordinary skill in the art would accordingly have recognized the use of a single filter mounting with the air cleaning device of YIKAI.

The simple substitution of one known element for another is likely to be obvious when predictable results are achieved. See *KSR Int'l Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1395–97 (2007) (see MPEP § 2143, B.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to alter the shape of the YIKAI air cleaner to comprise a more box-like unit, as that used in TEPPER, to provide for the predictable result of having a single filter mounting with a filter occluding both the inlet and outlet of the device.

Please note, in interpreting claim 11 the examiner is only requiring the presence of a single filter mounting, since "the filter" referred to in claim 11 is the "at least one filter" of claim 7 which is not limited to require a single filter by the claim language. As such, the housing 102 having baffles covering the air inlet and air outlet on front wall 130, which occlude both the inlet and the outlet, would read on the claim.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over IKEDA in view of BENNETT as applied to claim 1, and further in view of FOVELL.

Regarding claim 12, IKEDA does not explicitly teach the AC supply having a frequency in the range from 50 to 1000 Hz.

However, FOVELL teaches the use of a corona discharge ozone generator where the AC supply has a frequency of 400 Hz (see col. 5 lines 10-11).

Consequently, as shown by FOVELL, one of ordinary skill in the art would accordingly have recognized the use of an AC supply having a frequency around 400 Hz as a suitable frequency.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have the AC supply having a frequency in the range of 50 to 1000

Hz as claimed in order to provide for the generation of a corona discharge in the device of IKEDA.

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN D. RIPA whose telephone number is 571-270-7875. The examiner can normally be reached on Monday to Friday, 9:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexa Neckel can be reached on 571-272-1446. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harry D Wilkins, III/
Primary Examiner, Art Unit 1795

/B. D. R./
Examiner, Art Unit 1795